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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Second Amended Accusation  
Against:

RICHARD SCOTT WRIGHT, P.T.  
969 Sugarbush Drive  
Vista, CA 92084

Physical Therapist License No. PT9924

Respondent.

Case No. 1D-2005-64252

OAH No. L-2006110021

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Mary Agnes Matyszewski, Deputy Attorney General.
2. Respondent Richard Scott Wright, P.T. (Respondent) is represented in this proceeding by attorney John Patrick Murphy, Esq., whose address is 7955 Normal Avenue La Mesa, CA 91941.

3. On or about September 12, 1980, the Physical Therapy Board of California issued Physical Therapist License No. PT9924 to Richard Scott Wright, P.T. (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 1D-2005-64252 and will expire on October 31, 2007, unless renewed.

## JURISDICTION

4. Accusation No. 1D-2005-64252 was filed before the Physical Therapy Board of California, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 23, 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1D-2005-64252 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Second Amended Accusation No. 1D-2005-64252. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the Board can prove every charge and allegation  
3 alleged in Second Amended Accusation No. 1D-2005-64252.

4 9. Respondent agrees that his Physical Therapist License is subject to  
5 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the  
6 Disciplinary Order below.

7 CONTINGENCY

8 10. The parties understand and agree that facsimile copies of this Stipulated  
9 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
10 force and effect as the originals.

11 11. This Stipulated Settlement and Disciplinary Order is intended by the  
12 parties herein to be an integrated writing representing the complete, final and exclusive  
13 embodiment of the agreement of the parties in the above-entitled matter.

14 12. In consideration of the foregoing admissions and stipulations, the parties  
15 agree that the Board may, without further notice or formal proceeding, issue and enter the  
16 following Disciplinary Order:

17 **DISCIPLINARY ORDER**

18 IT IS HEREBY ORDERED that Physical Therapist License No. PT9924 issued  
19 and Richard Scott Wright, P.T. shall be automatically revoked. The revocation will be stayed and  
20 the Respondent placed on five (5) years probation on the following terms and conditions:

21 1. RESTRICTION OF PRACTICE - PRESENCE OF ANOTHER  
22 PHYSICAL THERAPIST REQUIRED Respondent shall only practice physical therapy when  
23 another physical therapist who holds a valid unrestricted license, is present on the premises. The  
24 respondent shall be prohibited from working any shift in which there is no other physical  
25 therapist on duty.

26 Failure to comply with any component of this condition as specified above is a  
27 violation of probation.

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1                   2.     COMMUNITY SERVICES The respondent shall be required to provide  
2 120 hours of community service without compensation within the State of California as part of  
3 the probation. The respondent shall submit for prior approval a community service program to  
4 the Board or its designee. This community service shall be completed during the first 36 months  
5 of probation, unless the Board or its designee agrees in writing to a later time for completion.

6                   3.     MEDICAL RECORD KEEPING COURSE Within 60 calendar days of  
7 the effective date of this decision, respondent shall enroll, at respondent's expense, in the  
8 Medical Record Keeping Course, Physician Assessment and Clinical Education Program at the  
9 University of California, San Diego School of Medicine ("Program"). Failure to successfully  
10 complete the course during the first 12 months of probation is a violation of probation, unless the  
11 Board or its designee agrees in writing to a later time for completion.

12                   A medical record keeping course taken after the acts that gave rise to the charges  
13 in the Second Amended Accusation, but prior to the effective date of the Decision may, in the  
14 sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition  
15 if the course would have been approved by the Board or its designee had the course been taken  
16 after the effective date of this Decision.

17                   Respondent shall submit a certification of successful completion to the Board or  
18 its designee not later than 15 calendar days after successfully completing the course, or not later  
19 than 15 calendar days after the effective date of the Decision, whichever is later.

20                   4.     PROFESSIONAL BOUNDARIES PROGRAM Within 60 calendar days  
21 from the effective date of this Decision, respondent shall enroll, at respondent's expense, in the  
22 Professional Boundaries Program, Physician Assessment and Clinical Education Program at the  
23 University of California, San Diego School of Medicine. Respondent, at the Program's  
24 discretion, shall undergo and complete the Program's assessment of respondent's competency,  
25 mental health and/or neuropsychological performance, and at minimum, a 24 hour program of  
26 interactive education and training in the area of boundaries, which takes into account data  
27 obtained from the assessment and from the Decision(s), Accusation(s) and any other information  
28 that the Board or its designee deems relevant. The Program shall evaluate respondent at the end

1 of the training, and the Program shall provide any data from the assessment and training as well  
2 as the results of the evaluation to the Board or its designee.

3 Failure to complete the entire Program not later than six months after respondent's  
4 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees  
5 in writing to a later time for completion. Based on respondent's performance in and evaluations  
6 from the assessment, education, and training, the Program shall advise the Board or its designee  
7 of its recommendation(s) for additional education, training, psychotherapy and other measures  
8 necessary to ensure that respondent can practice medicine safely. Respondent shall comply with  
9 Program recommendations. At the completion of the Program, respondent shall submit to a final  
10 evaluation. The Program shall provide the results of the evaluation to the Board or its designee.

11 The Program's determination whether or not respondent successfully completed  
12 the Program shall be binding.

13 Failure to participate in and complete successfully all phases of the Program, as  
14 outlined above, is a violation of probation.

15 5. PSYCHIATRIC EVALUATION and PSYCHOTHERAPY Within 30  
16 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter  
17 may be required by the Board or its designee, respondent shall undergo and complete a  
18 psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed  
19 board certified psychiatrist, who shall consider any information provided by the Board or  
20 designee and any other information the psychiatrist deems relevant, and shall furnish a written  
21 evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the  
22 effective date of the Decision shall not be accepted towards the fulfillment of this requirement.  
23 Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

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Respondent shall comply with all restrictions, treatment plans, or conditions recommended by the evaluating psychiatrist within 15 calendar days after being notified by the Board or its designee. Failure to undergo and complete a psychiatric evaluation and psychological testing, within 30 days of the effective date of the Decision or comply with the required additional conditions, treatment plans, or restrictions, is a violation of probation, unless the Board or its designee agrees in writing to a later time for completion.

6. RELEASE OF PSYCHIATRIC AND MEDICAL INFORMATION

Within 30 calendar days of the effective date of this Decision, respondent shall execute any necessary Medical Releases to enable the Board or its designee to obtain all copies of respondent's psychiatric and/or medical records for any and all counseling treatment respondent has received as a result of the acts which gave rise to the charges in the Accusation. Those records obtained by the Board shall be provided to the Board-appointed psychiatrist whom the Board selects to conduct the psychiatric evaluation referenced above in Term and Condition No. 5. That expert may review and rely on those records when formulating his or her opinions, as well as provide the Board with copies of those records and/or information contained in those records.

Failure to comply with any component of this condition as specified above is a violation of probation.

7. SEXUAL HARASSMENT EDUCATION COURSE Within 120 days of the effective date of this Decision, respondent shall submit to the Board, or its designee, for prior approval, his plan to require all current and future employees to participate in a sexual harassment training course. Thereafter, respondent shall provide this course to employees on an annual basis. Respondent shall incur all costs necessary to provide this training to his employees. Respondent shall supply documentation verifying satisfactory completion of course work.

Failure to comply with any component of this condition as specified above is a violation of probation.

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1                   8.     PROBATION MONITORING COSTS Respondent shall reimburse all  
2 costs incurred by the Board for probation monitoring during the entire period of probation.  
3 Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical  
4 Therapy Board of California. Failure to make ordered reimbursement within 60 days of the  
5 billing shall constitute a violation of the probation order, unless the Board or its designee agrees  
6 in writing to a later time for completion.

7                   9.     COST RECOVERY The respondent is ordered to reimburse the Board  
8 the actual and reasonable investigative and prosecutorial costs incurred by the Board in the  
9 amount of \$9,000. Said costs shall be reduced, however, and the remainder forgiven, if  
10 Respondent pays \$750 within 90 days of the effective date of the Decision. In the event  
11 Respondent fails to pay within ninety (90) days of the Decision, the full amount of costs shall be  
12 immediately due and payable. Failure to pay the ordered reimbursement, or any agreed upon  
13 payment, may constitute a violation of the probation order. The filing of bankruptcy by  
14 Respondent shall not relieve Respondent of his responsibility to reimburse the Board. If  
15 Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost  
16 recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of  
17 attachment of earned wages legally available to the Board. Failure to fulfill the obligation could  
18 also result in attachment to the Department of Motor Vehicle registrations and/or license  
19 renewals.

20                  10.    OBEY ALL LAWS Respondent shall obey all federal, state and local  
21 laws, and statutes and regulations governing the practice, inspections and reporting, of physical  
22 therapy in California and remain in full compliance with any court ordered criminal probation.

23                  11.    QUARTERLY REPORTS Respondent shall submit quarterly  
24 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
25 been compliance with all the conditions of probation.

26                  12.    PROBATION MONITORING PROGRAM COMPLIANCE Respondent  
27 shall comply with the Board's probation monitoring program.

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1                   13.     INTERVIEW WITH THE BOARD OR ITS DESIGNEE   Respondent  
2 shall appear in person for interviews with the Board, or its designee, upon request at various  
3 intervals.

4                   14.     NOTIFICATION OF PROBATIONER STATUS TO EMPLOYEES   The  
5 respondent shall notify all present or future employees of the reason for and the terms and  
6 conditions of the probation by providing a copy of the Accusation, the Decision and Order, and  
7 the Stipulated Settlement to the employee, and submit written employee confirmation of receipt  
8 to the Board within 10 days. The notification(s) shall include the name, address and phone  
9 number of the employee, and, if different, the name, address and phone number of the work  
10 location.

11                  15.     NOTIFICATION OF CHANGE OF NAME OR ADDRESS   The  
12 respondent shall notify the Board, in writing, of any and all name and/or address changes within  
13 ten (10) days.

14                  16.     RESTRICTION OF PRACTICE - TEMPORARY SERVICES  
15 AGENCIES   The respondent shall not work for a temporary services agency or registry.

16                  17.     RESTRICTION OF PRACTICE - CLINICAL INSTRUCTOR OF  
17 PHYSICAL THERAPY STUDENT INTERNS OR FOREIGN EDUCATED PHYSICAL  
18 THERAPIST LICENSE APPLICANTS PROHIBITED   Respondent shall not supervise any  
19 physical therapy student interns or foreign educated physical therapist license applicants during  
20 the entire period of probation. Respondent shall terminate any such supervisory relationship in  
21 existence on the effective date of this probation.

22                  18.     PROHIBITED USE OF ALIASES   Respondent may not use aliases and  
23 shall be prohibited from using any name which is not him legally-recognized name or based upon  
24 a legal change of name.

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1                   19.     INTERMITTENT WORK   If the respondent works less than 192 hours as  
2 a physical therapist or a physical therapist assistant in the physical therapy profession in a period  
3 of three months, those months shall not be counted toward satisfaction of the probationary  
4 period. The respondent shall notify the Board if he works less than 192 hours in a three month  
5 period.

6                   20.     TOLLING OF PROBATION   The period of probation shall run only  
7 during the time respondent is practicing or performing physical therapy within California. If,  
8 during probation, respondent does not practice or perform within California, respondent is  
9 required to immediately notify the probation monitor in writing of the date that respondent is  
10 practicing or performing physical therapy out of state, and the date of return, if any. Practicing or  
11 performing physical therapy by the respondent in California prior to notification to the Board of  
12 the respondent's return will not be credited toward completion of probation. Any order for  
13 payment of cost recovery shall remain in effect whether or not probation is tolled.

14                  21.     VIOLATION OF PROBATION   If respondent violates probation in any  
15 respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke  
16 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
17 revoke probation is filed against respondent during probation, the Board shall have continuing  
18 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
19 is final.

20                  22.     REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT,  
21 HEALTH OR OTHER REASONS   Following the effective date of this probation, if respondent  
22 ceases practicing or performing physical therapy due to retirement, health or other reasons or is  
23 otherwise unable to satisfy the terms and conditions of probation, respondent may request to  
24 surrender his license to the Board. The Board reserves the right to evaluate the respondent's  
25 request and to exercise its discretion whether to grant the request or to take any other action  
26 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the  
27 tendered license, the terms and conditions of probation shall be tolled until such time as the

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1 license is no longer renewable, the respondent makes application for the renewal of the tendered  
2 license or makes application for a new license.

3 23. COMPLETION OF PROBATION Upon successful completion of  
4 probation, respondent's license shall be fully restored.

5 24. CALIFORNIA LAW EXAMINATION - WRITTEN EXAM ON THE  
6 LAWS AND REGULATIONS GOVERNING THE PRACTICE OR PERFORMANCE OF  
7 PHYSICAL THERAPY Within 90 days of the effective date of this decision, respondent shall  
8 take and pass the Board's written examination on the laws and regulations governing the practice  
9 of physical therapy in California. If respondent fails to pass the examination, respondent shall be  
10 suspended from the practice of physical therapy until a repeat examination has been successfully  
11 passed.

12 25. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE  
13 ON PROBATION It is not contrary to the public interest for the respondent to practice and/or  
14 perform physical therapy under the probationary conditions specified in the disciplinary order.  
15 Accordingly, it is not the intent of the Board that this order, the fact that the respondent has been  
16 disciplined, or that the respondent is on probation, shall be used as the sole basis for any third  
17 party payer to remove respondent from any list of approved providers.

18 26. COMPLIANCE WITH ORDERS OF A COURT The respondent shall be  
19 in compliance with any valid order of a court. Being found in contempt of any court order is a  
20 violation of probation.

21 27. COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF  
22 RESTITUTION Respondent shall not violate any terms and conditions of criminal probation  
23 and shall be in compliance with any restitution ordered, payments or other orders.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, John Patrick Murphy. I understand the stipulation and the effect it will have on my Physical Therapist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: June 12, 2007.

Original Signed By:  
RICHARD SCOTT WRIGHT, P.T.  
Respondent

I have read and fully discussed with Respondent Richard Scott Wright, P.T. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: July 1, 2007.

Original Signed By:  
JOHN PATRICK MURPHY  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board.

DATED: August 16, 2007

EDMUND G. BROWN JR., Attorney General  
of the State of California  
  
STEVEN V. ADLER  
Supervising Deputy Attorney General

Original Signed By:  
MARY AGNES MATYSZEWSKI  
Deputy Attorney General

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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Second Amended Accusation  
Against:

RICHARD SCOTT WRIGHT, P.T.  
969 Sugarbush Drive  
Vista, CA 92084

Physical Therapist License No. PT9924

Respondent.

Case No. 1D-2005-64252

OAH No. L-2006110021

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by  
the Physical Therapy Board of California, Department of Consumer Affairs, State of California,  
as its Decision in this matter.

This Decision shall become effective on December 3, 2007.

It is so ORDERED November 1, 2007.

Original Signed By: Nancy Krueger, PT, President  
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA